



COMMITTEE ON ELECTIONS, RULES, ORDINANCES, ORDERS AND CLAIMS

Councilor David A. Murphy, Chair

Councilor Jesse M. Adams

Councilor Maureen T. Carney

Meeting Minutes
Monday, March 11, 2013

6:00 pm – 8:00 pm

City Council chambers, Wallace J. Puchalski Municipal Building
212 Main Street, Northampton, MA

1. Members present/absent: Councilor David A. Murphy, Councilor Jesse M. Adams, Councilor Maureen T. Carney, City Solicitor Alan Seewald, Councilor Owen Freeman-Daniels, Carolyn Misch, Senior Planner, Wayne Feiden, Planning Director. At 6:30 p.m., Planning Board members joined the meeting: Mark Sullivan, Francis Johnson, Stephen Gilson, Devin Bruce, John Lutz, Karla Youngblood, Ann DeWitt Brooks.
Residents present: Patte Shaughnessy, COA Director, Nancy Dickinson, Ken Lynns, Mike Nardowicz, Joe LaPlante, Garson Fields, Robert Bates, Steve Susco, Don Wright, Mr. Knight, Rufus Chaffee, Greg Lewis, Wayne Thibeault, Nells Christianson, Norma Roche, Bruce Shallcross
2. Meeting Called to Order: Councilor Murphy called the meeting to order at 6:02 p.m.
3. Announcement of Audio/Video Recording of Meeting: The meeting was audio-recorded.
4. Public Comment – No general public comment.
5. CLAIMS:

➤ Gerbasi – Property Damage Claim of January 8, 2013

Councilor Carney moved approval of the claim in the amount of \$116.87, per City Solicitor recommendation; Councilor Carney seconded. The motion passed unanimously (3-0).

➤ Hamel – Property Damage Claim of January 22, 2013

Councilor Carney moved denial of the claim, per City Solicitor recommendation; Councilor Carney seconded. The motion passed unanimously (3-0).

➤ Harlow – Personal Injury Claim of February 13, 2013

Ms. Louise Harlow was present for the claim. Ms. Harlow stated that she was legally obligated to go to the kiosk to get a parking receipt, and noted that the sidewalk and kiosk are municipal property. City Solicitor Seewald noted Ordinance §285-17 Snow and Ice on Sidewalks; Removal by Owner or Occupant Required; Removal by City and MGL Chapter 84, Section 17 Injury or Damage Caused by Snow or Ice. City Solicitor Seewald stated that the City is not liable. City Solicitor Seewald suggested Ms. Harlow put in her claim to her dental and/or health insurance; Ms. Harlow stated that Delta Dental and Health New England will not pay this claim. Councilors expressed sympathy for Ms. Harlow's injury and discussed the responsibility of the stores and/or BID to clear the sidewalk. Ms. Harlow stated that she hoped for understanding from this Committee and stated that she will be forced to take this issue to court.

Councilor Carney moved denial of the claim, per City Solicitor recommendation; Councilor Carney seconded. The motion passed unanimously (3-0).

City Solicitor Seewald left the meeting at 6:22 p.m.

ORDINANCES:

- Ordinance: Amend §312-102 Schedule I: Parking Prohibited All Times – Barrett Place – Councilor Spector (*Referred by City Council March 7, 2013*)

Barbara Williams stated the residents' support of this Ordinance.

Councilor Carney moved to send the Ordinance to City Council with a positive recommendation; Councilor Adams seconded. The motion passed unanimously (3-0).

- Ordinance: Amend §22-97 through §22-99 Committee on Disabilities (*Referred by City Council February 21, 2013*)

Patte Shaughnessy, Council on Aging Director explained that Committee on Disabilities voted in favor of this Ordinance, and this Ordinance brings the City in line with State regulations. Councilor Murphy read a letter of support from Councilor Marianne L. LaBarge.

Councilor Carney moved to send the Ordinance to City Council with a positive recommendation; Councilor Adams seconded. The motion passed unanimously (3-0).

6:30 p.m. - JOINT PUBLIC HEARING WITH PLANNING BOARD:

Carolyn Misch, Senior Planner presented power point (attached) and answered questions regarding the Ordinances discussed by this Committee and the Planning Board.

- Ordinance: Amend §350-3.4 and attachment 1.1 Rezone Watershed Protection Throughout the City (*Referred by City Council February 7, 2013 to Planning Board, Committee on Economic Development, Housing and Land Use, and to Committee on Elections, Rules, Ordinances, Orders and Claims*)

Nancy Dickinson questioned maintenance of the waterways, of Audubon Road and Clark Brook culvert, river and dam; Ms. Misch noted that maintenance is not done, but silt and sediments have been removed as applications to Conservation Commission.

Ken Lynns noted that Reservoir Road has bank erosion from the dam to the bridge, and voiced concerns about FEMA regarding washouts and lack of maintenance. Mr. Lynns noted the City must be careful to follow FEMA.

Mike Nardowicz, Champlain Cable, questioned buildings not in FEMA floodplain; Ms. Misch noted that zoning changes would be done at the local level.

Joe LaPlante questioned any State regulations of Nimic Street; Ms. Misch noted that permits are at the Conservation Commission. Mr. LaPlante urged the City to simplify zones as the land is protected. Ms. Misch noted that the Wetlands Protection Act must be followed.

Garson Fields questioned the River Road and Chesterfield Road areas and how zoning will change; Wayne Feiden attempted to address the concerns as Mr. Fields continued to describe fill that is removed. Ms. Misch noted that WP zone is overlay on top of existing uses. Mr. Fields stated that the Planning Board appears to intend to take land; Stephen Gilson noted that the Planning Board does not intend to take any land from residents. Mr. Fields stated that Mr. Feiden misrepresents. Mr. Fields stated that fill is strained – Mr. Gilson stated that Mr. Fields could take his question to the Conservation Commission.

Robert Bates noted the areas of North Farms Road and streams under Conservation Commission.

Steve Susco stated that this proposal was rejected by the City Council in 2010; noting that he must come to these meetings every three months just to protect his property. Ms. Susco stated that he and Mr. Jasecke both have an interest in this change, and this is unfair to change without listening to residents' concerns.

Don Wright stated that it is difficult to remortgage or obtain equity as the banks say these properties are in floodplain and need flood insurance; surveys say flood insurance is not needed, and it becomes the homeowners' responsibility to demonstrate the designation.

Rufus Chaffee asked that the Planning Board use accurate information, not forty-year-old FEMA information.

Greg Lewis stated that FEMA is in the process of updating nationwide and questioned if the Planning Board is using updated information; Ms. Misch stated that the Planning Board must use the maps as currently filed.

Wayne Thibeault questioned the specifics of Chesterfield Road; Ms. Misch noted that Mr. Thibeault should visit the Planning Department for current GIS map information.

Nells Christianson noted farmland, such as the Bean Farm; Ms. Misch stated that each parcel must be considered for specifics.

Councilor Murphy noted that the Ordinance Committee would keep this public hearing open for a more detailed map.

Planning Board Vote: Debin Bruce moved to close the Public Hearing for this Ordinance; Francis Johnson seconded. The motion to close the Public Hearing passed unanimously (7-0). Stephen Gilson moved positive recommendation to City Council; Ann DeWitt Brooks seconded. The motion passed unanimously (7-0).

Ordinance Committee Vote: Councilor Adams moved to Continue the Ordinance for Public Hearing to the April 8, 2013 meeting of this Committee; Councilor Carney seconded. The motion to Continue the Ordinance for Public Hearing passed unanimously (3-0).

- Ordinance: Amend §350-3.4 Rezone Parcels on Easthampton Road from BP and SR to GI to Help Fulfill the Business Park Vision (*Referred by City Council February 7, 2013 to Planning Board, Committee on Economic Development, Housing and Land Use, and to Committee on Elections, Rules, Ordinances, Orders and Claims*)

Norma Roche noted her concerns about Laurel Park and the wildlife area, as a formal study will change density.

Wayne Feiden stated that 50% of the business park is reserved for open space, and the City paid to certify the vernal pools.

Planning Board Vote: Stephen Gilson moved to close the Public Hearing for this Ordinance; Ann DeWitt Brooks seconded. The motion to close the Public Hearing passed unanimously (7-0). Ann DeWitt Brooks moved positive recommendation to City Council; Francis Johnson seconded. The motion passed unanimously (7-0).

Ordinance Committee Vote: Councilor Carney moved to close the Public Hearing for this Ordinance; Councilor Adams seconded. Councilor Carney moved positive recommendation to City Council; Councilor Adams seconded. The motion passed unanimously (3-0).

- Ordinance: Amend §350-4.4 Language Regarding Home Occupation be Amended to be Consistent with Current "Home Business" Classification (*Referred by City Council February 21, 2013 to Planning Board, Committee on Economic Development, Housing and Land Use, and Committee on Elections, Rules, Ordinances, Orders and Claims*)

Planning Board Vote: Francis Johnson moved to close the Public Hearing for this Ordinance; Stephen Gilson seconded. The motion to close the Public Hearing passed unanimously (7-0). Karla Youngblood moved positive recommendation to City Council; John Lutz seconded. The motion passed unanimously (7-0).

Ordinance Committee Vote: Councilor Adams moved to close the Public Hearing for this Ordinance; Councilor Carney seconded. Councilor Adams moved positive recommendation to City Council; Councilor Carney seconded. The motion passed unanimously (3-0).

- Ordinance: Amend §350j Water Supply Protection: Larger Accessory Structures Allowed, Addressing Mistakes in Attached Garage Setbacks, Relaxing Photovoltaic Structure Standards (*Referred by City Council February 21, 2013 to Planning Board, Committee on Economic Development, Housing and Land Use, and Committee on Elections, Rules, Ordinances, Orders and Claims*)

Planning Board Vote: John Lutz moved to close the Public Hearing for this Ordinance; Ann DeWitt Brooks seconded. The motion to close the Public Hearing passed unanimously (7-0). John Lutz moved positive recommendation to City Council; Stephen Gilson seconded. The motion passed unanimously (7-0).

Ordinance Committee Vote: Councilor Carney moved to close the Public Hearing for this Ordinance; Councilor Adams seconded. Councilor Carney moved positive recommendation to City Council; Councilor Adams seconded. The motion passed unanimously (3-0).

- Ordinance: Amend §350-11.2, 11.3, 11.4, and 11.6b Consistent with Sustainable Northampton Minimize Permit Review Also Add Recording Requirements (*Referred by City Council February 21, 2013 to Planning Board, Committee on Economic Development, Housing and Land Use, and Committee on Elections, Rules, Ordinances, Orders and Claims*)

Planning Board Vote: Debin Bruce moved to close the Public Hearing for this Ordinance; Ann DeWitt Brooks seconded. The motion to close the Public Hearing passed unanimously (7-0). Ann DeWitt Brooks moved positive recommendation, as Amended, to City Council; Debin Bruce seconded. The motion passed unanimously (7-0).

Ordinance Committee Vote: Councilor Carney moved to close the Public Hearing for this Ordinance; Councilor Adams seconded. Councilor Carney moved positive recommendation, as Amended, to City Council; Councilor Adams seconded. The motion passed unanimously (3-0).

- Ordinance: Amend §350-10.1B Site Plans Approved with Special Permits be Recorded with the Decision (*Referred by City Council February 21, 2013 to Planning Board, Committee on Economic Development, Housing and Land Use, and Committee on Elections, Rules, Ordinances, Orders and Claims*)

Planning Board Vote: Debin Bruce moved to close the Public Hearing for this Ordinance; John Lutz seconded. The motion to close the Public Hearing passed unanimously (7-0). Stephen Gilson moved positive recommendation, as Amended, to City Council; Debin Bruce seconded. The motion passed unanimously (7-0).

Ordinance Committee Vote: Councilor Carney moved to close the Public Hearing for this Ordinance; Councilor Adams seconded. Councilor Carney moved positive recommendation, as Amended, to City Council; Councilor Adams seconded. The motion passed unanimously (3-0).

- Ordinance: Amend §350-9.3A New Non-Conforming Aspects to Already Existing Non-Conforming Single or Two Family Homes be Allowed by Special Permit Consistent with Recent Court Rulings on the Matter (*Referred by City Council February 21, 2013 to Planning Board, Committee on Economic Development, Housing and Land Use, and Committee on Elections, Rules, Ordinances, Orders and Claims*)

Councilor Freeman-Daniels noted that information was not clarified at the EDHLU meeting; Councilor Freeman-Daniels now supports this Ordinance.

Planning Board Vote: Debin Bruce moved to close the Public Hearing for this Ordinance; John Lutz seconded. The motion to close the Public Hearing passed unanimously (7-0). Karla Youngblood moved positive recommendation to City Council; John Lutz seconded. The motion passed unanimously (7-0).

Ordinance Committee Vote: Councilor Carney moved to close the Public Hearing for this Ordinance; Councilor Adams seconded. Councilor Carney moved positive recommendation to City Council; Councilor Adams seconded. The motion passed unanimously (3-0).

- Ordinance: Amend §350-350a et seq. Increase Height Limits in Office/Industrial, General Industrial, and Central Business District by Five Feet (*Referred by City Council February 7, 2013 to Planning Board, Committee on Economic Development, Housing and Land Use, and to Committee on Elections, Rules, Ordinances, Orders and Claims*)

Planning Board Vote: Francis Johnson moved to close the Public Hearing for this Ordinance; Stephen Gilson seconded. The motion to close the Public Hearing passed unanimously (7-0). Francis Johnson moved positive recommendation, as Amended, to City Council; Debin Bruce seconded. The motion passed unanimously (7-0).

Ordinance Committee Vote: Councilor Carney moved to close the Public Hearing for this Ordinance; Councilor Adams seconded. Councilor Carney moved positive recommendation, as Amended, to City Council; Councilor Adams seconded. The motion passed unanimously (3-0).

- Ordinance: Amend §350-7.7 General Advertising Signs (Billboards) May Not Be Reconstructed to Contain Electronic Technology (*Referred by City Council February 7, 2013 to Planning Board, Committee on Economic Development, Housing and Land Use, and to Committee on Elections, Rules, Ordinances, Orders and Claims*)

Bruce Shallcross, Three County Fairgrounds manager, stated that if the City is to prohibit billboards, this is considered as short-sighted in the business community.

Planning Board Vote: Debin Bruce moved to close the Public Hearing for this Ordinance; Ann DeWitt Brooks seconded. The motion to close the Public Hearing passed unanimously (7-0). Debin Bruce moved positive recommendation, as Amended, to City Council; Ann DeWitt Brooks seconded. The motion passed unanimously (7-0).

Ordinance Committee Vote: Councilor Carney moved to close the Public Hearing for this Ordinance; Councilor Adams seconded. Councilor Carney moved positive recommendation, as Amended, to City Council; Councilor Adams seconded. The motion passed unanimously (3-0).

Other Planning Board Agenda items (tentative): The Planning Board will meet to discuss request for interpretation of permit condition requiring cross access easements prior to Certificate of Occupancy for Colvest Property at 327 King Street.

Planning Board members left at 8:38 p.m.

ORDINANCES:

- Ordinance: Amend §22-130 Community Preservation Committee: Powers and Duties (*Referred by City Council February 21, 2013*)

Councilor Carney moved to send the Ordinance to City Council with a positive recommendation; Councilor Adams seconded. The motion passed unanimously (3-0).

- Ordinance: Add Chapter §310 Vehicle Charging Stations(*Referred by City Council March 7, 2013*)
- Ordinance: Amend §312-36 Parking Meter Locations and Regulations(*Referred by City Council March 7, 2013*)
- Ordinance: Amend §312-109 Schedule VIII: On-Street Parking Meter Zones(*Referred by City Council March 7, 2013*)
- Ordinance: Amend §312-110 Schedule IX: Off-Street Parking Areas(*Referred by City Council March 7, 2013*)

Councilor Freeman-Daniels explained that these Ordinances come from Transportation & Parking Commission, per Central Services and Energy and Sustainability Officer. There must be an Ordinance to enforce parking rules and usage of the electric vehicle charging stations.

Councilor Carney moved to send the Ordinances to City Council with a positive recommendation; Councilor Adams seconded. The motion passed unanimously (3-0).

- Ordinance: Add Chapter §23 Public Comment REVISED (*Refer to Committee on Elections, Rules, Ordinances, Orders and Claims*)

Councilor Adams moved to send the Ordinance to City Council with a positive recommendation; Councilor Carney seconded. The motion passed unanimously (3-0).

- Ordinance: Chapter 312, Add Article XIV Vendors, Section 1. Permitting of Ice Cream Truck Vendors (*Recommended by Committee on Public Safety March 4, 2013 – Referred by City Council March 7, 2013*)

Councilor Carney moved to send the Ordinance to City Council with a positive recommendation; Councilor Adams seconded. The motion passed unanimously (3-0).

- 6. **NEW BUSINESS** –*Reserved for topics that the Chair did not reasonably anticipate would be discussed.*
None

At 8:56 p.m., Councilor Carney moved to adjourn and was seconded by Councilor Adams. The motion to adjourn passed unanimously (3-0).

The next meeting is April 8, 2013 at 6:00 p.m.

*Respectfully submitted,
Mary L. Midura
Executive Secretary*

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Twelve

UPON THE RECOMMENDATION OF Councilor Paul D. Spector

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §312-102 of said code; providing that
Schedule 1: Parking Prohibited All Times

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:
That section §312-102 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

ADD

<u>Location</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Barrett Place	Most Westerly	Entire Length	
	End of		

City of Northampton
MASSACHUSETTS

~~In the Year Two Thousand Thirteen~~

UPON THE RECOMMENDATION OF Mayor David J. Narkewicz and Councilor
Marianne L. LaBarge

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §22-97 through §22-99 of said code; providing that *Committee on Disabilities*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section §22-97 through §22-99 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

Section §22-97 through §22-99 *Committee on Disabilities*

DELETE §22-97 THROUGH §22-99 IN ITS ENTIRETY AND ADD IN PLACE THEREOF:

SECTION §22- 97 THROUGH §22-99 – Commission on Disability
§ 22-97. Establishment; Duties; Membership; Terms

A. Establishment:

There shall be a Commission on Disability established pursuant to MGL Chap 40 § 8J in the City of Northampton.

B. Duties

Such Commission shall (1) research local problems of people with disabilities; (2) advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulation that affect people with disabilities; (3) coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disability; (4) review and make recommendations about policies, procedures, services, activities and facilities of departments, board and agencies of the City of Northampton as they affect people with disabilities; (5) provide information, referrals, guidance and technical assistance to individuals, public, agencies, businesses and organizations in all matters pertaining to disabilities; (6) coordinate activities of other local groups organized for similar purposes.

C. Membership

Said Commission shall consist of nine members appointed by the Mayor and subject to confirmation by the City Council. A majority of Commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said Commission shall be a member of the City Council recommended by the City Council President. The City's American Disabilities Act (ADA) Coordinator shall be the liaison to the Commission.

D. Terms

The terms of the first members of said Commission shall be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successor shall be appointed for terms of three years each. Any member of said Commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

The chairperson and other officers shall be chosen by a majority vote of said Commission members.

§ 22-98. Officers; Compensation; Meetings

A. Officers

The Commission shall select a Chair and a Vice Chair from within its ranks and fill such other offices as it may determine.

B. Compensation

Members of said Commission shall serve without compensation.

C. Meetings

Said Commission shall keep records of its meetings and actions and shall file an annual report with the City of Northampton and shall have at least ten meetings annually.

§ 22-99. Reserved



Northampton Home Calendar Departments City Services About Northampton

Planning Board Home

Zoning Revisions
Committee Home

Planning Board



The Planning Board reviews building projects in the City through zoning and subdivision regulations and is charged with adopting comprehensive and study plans for the city.

The Planning Board generally meets the 2nd and 4th Thursday of each month. For Agendas, see www.northamptonma.gov/opd and click on Agendas and Minutes.

Mark Sullivan, Chair (term expires 2015) ✓
Jennifer Dieringer, Vice Chair (term expires 2014) - ABSENT
Francis Johnson (term expires 2014) ✓
Stephen Gilson (term expires 2016) ✓
Debin Bruce (term expires 2017) ✓
(term expired 2011)
John Lutz (term expires 2015) ✓

Karla Youngblood, Associate Member (term expires 2017) ✓
Ann DeWitt Brooks, Associate Member (term expires 2015) ✓

All terms expire in March of the given year

Approved Plant List

Please see Planning board list of street trees at the end of list. Plus see the following information.

Index to invasives can be found at: A Guide to Invasive Plants in Massachusetts 2nd Edition (2008); or
<http://www.massnature.com/Plants/Invasives/invasiveplants.htm> or
http://www.mass.gov/agr/farmproducts/proposed_prohibited_plant_list_v12-12-05.htm

[Street Tree List](#)

Staff Contact

Carolyn Misch, AICP, Senior Land Use Planner & Permits Manager
Planning & Sustainability
210 Main Street, Rm 11, City Hall
Northampton, MA 01060
413.587.1287
413.587.1264
email: CMisch@NorthamptonMA.gov

[Click here for the Office of Planning and Development home page](#)

©City of Northampton MA **Disclaimer**
City Hall, 210 Main Street, Northampton, MA 01060

Contact Us Directions Site Map
Website design by **gravity switch, inc.**



PLANNING AND DEVELOPMENT • CITY OF NORTHAMPTON

planning • conservation • zoning • northampton GIS • historic • community preservation • central business architecture

Carolyn Misch, AICP, Senior Land Use Planner • CMisch@NorthamptonMA.gov • 413-587-1287

Northampton Public Legal Notice For Monday Mar 11, 2013

THE CITY COUNCIL COMMITTEE ON ELECTION, RULES, ORDINANCES and PLANNING BOARD will conduct a joint public hearing in Council Chambers, 212 Main Street, Northampton on the following proposed zoning amendments:

6:30 p.m.

- §350-3.4 and attachment 1.1 Rezone Watershed Protection Throughout the City
- §350-3.4 Rezone Parcels on Easthampton Road from BP and SR to GI to Help Fulfill the Business Park Vision
- §350-4.4 Language Regarding Home Occupation to be Consistent with Current "Home Business" Classification
- §350j Water Supply Protection: Larger Accessory Structures Allowed, Addressing Mistakes in Attached Garage Setbacks, Relaxing Photovoltaic Structures
- §350-11.2, 11.3, 11.4, and 11.6b Minimize Permit Review Also Add Recording Requirements
- §350-10.1B Site Plans Approved with Special Permits be Recorded with the Decision
- §350-9.3A New Non-Conforming Aspects to Already Existing Non-Conforming Single or Two Family Homes be Allowed by Special Permit Consistent with Recent Court Rulings on the Matter
- §350-350a et seq. Increase Height Limits in Office/Industrial, General Industrial, and Central Business District by Five Feet, eliminate all references to SI remaining in text.
- §350-7.7 General Advertising Signs (Billboards) May Not Be Reconstructed to Contain Electronic Technology. Clarify when billboards must be removed.

www.northamptonma.gov/opd

Publish February 25, 2012 and March 4, 2013
Bill to: Office of Planning & Development
Account #: 71350

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Thirteen

UPON THE RECOMMENDATION OF THE Planning Board

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §350-3.4 and attachment 1.1 of said code; providing that *A Rezoning of the Watershed Protection (WP) to Special Conservancy (SC) district in residential areas and rezoning portions of the WP overlay over business districts be renamed Floodplain (FP) overlay to address climate change and sustainability.*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section §350-3.4 and attachment 1.1 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

§350-3.4—Zoning Map

{Amend the Northampton Zoning Map to:

1. Rezone the following areas to Special Conservancy (SC): ALL residential zoning districts (RR, SR, URA, URB, and URC) currently within the Watershed Protection (WP) overlay that are within the Federal Emergency Management Agency (FEMA) mapped 100 year and 500 year floodplain or apparent floodplain as currently zoned WP outside the FEMA mapped areas; and
2. Drop Watershed Protection (WP) overlay from the areas described above; and
3. Drop Watershed Protection (WP) overlay from the areas that are NOT within the FEMA mapped 100 year or 500 year floodplain where FEMA conducted mapping studies; All as shown on the attached map
4. Rename Water Protection (WP) overlay to Floodplain (FP) overlay wherever it currently overlays any (GI, OI, NB, GB, BP, CB, HB).

§350-3.4—Attachment 1:1 Table of Use Regulations

{Insert footnote symbol for Watershed Protection (WP) row and for every Special Conservancy (SC) column. At bottom of each page in Table, insert the following after the same footnote symbol:}

MARCH 5, 2013 - EDHLU - POSITIVE RECOMMENDATION (4-0)

Flood Elevation Certificates are required prior to any Building Permit and any Certificate of Occupancy for all substantial improvements as defined by the Federal Emergency Management Agency (any rehabilitation, addition, or other improvement of a building when the cost of the improvement equals or exceeds 50 percent of the market value of the building before start of construction of the improvement).

{Make the following change to the table itself:}

Principal Use	Residential				
	RR	SR	URA	URB	URC
Work in Watershed Protection FEMA Mapped 100 year /500 Floodplain (WP FP) Overlay District Only if use is otherwise allowed by zoning. See § 350-14.					
New commercial structures or substantial improvements in WP FP, meeting all requirements under the State Building Code, Wetlands Protection Act, and city ordinances.	PBNA	PBNA	PBNA	PBNA	PBNA

All other references to WP in the attached tables to be changed to FP.

Throughout entire Zoning Ordinance change all references to WP and Watershed Protection to FP or Floodplain accordingly.

Proposed WP Rezoning



City of Northampton
MASSACHUSETTS

In the Year Two Thousand Thirteen

UPON THE RECOMMENDATION OF THE PLANNING BOARD

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §350-3.4 of said code; providing that *Rezone Parcels on Easthampton Road from BP and SR to GI to help fulfill the Business Park Vision*

Be it ordained by the City Council of the City of Northampton, in City Council assembled; as follows: That section §350-3.4 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

§350-3.4—Zoning Map

{Amend the Northampton Zoning Map to rezone three parcels on Easthampton Road.

Map ID 44-031 from Business Park (BP) to General Industrial (GI); and

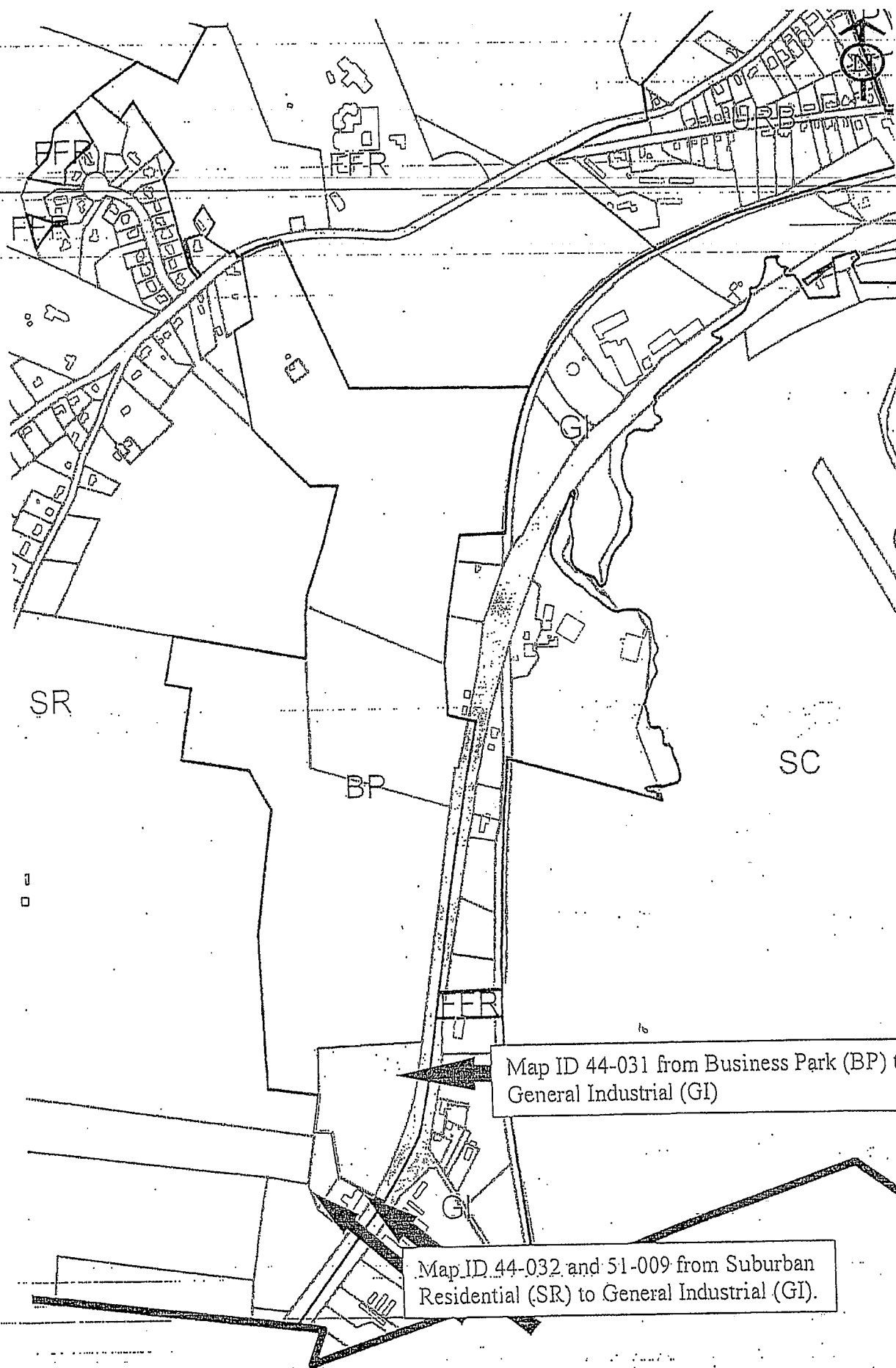
Map ID 44-032 and 51-009 from Suburban Residential (SR) to General Industrial (GI).

The rezoning is proposed in order to:

1. Match the zoning across the road to create a continuous GI area where manufacturing, technology, and most non-medical offices are allowed; and
2. Allow the most developable of the BP parcels, to be developed for the uses envisioned when the Business Park zoning district was created; and
3. Allow a pre-existing non-conforming building currently approved under a variance more flexibility for reuse in accordance with the zoning.

Said rezoning is shown on the attached map below:}

MARCH 5, 2013 EDHLU - POSITIVE RECOMMENDATION (4-0)



Map ID 44-031 from Business Park (BP) to General Industrial (GI)

Map ID 44-032 and 51-009 from Suburban Residential (SR) to General Industrial (GI).

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Thirteen

UPON THE RECOMMENDATION OF THE Office of Planning & Development

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances,

City of Northampton, Massachusetts, be amended by revising section 350-4.4 of said code;

providing that *Language regarding Home Occupation be amended to be consistent with current*

"home business" classification

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 350-4.4B of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

{delete all of subsection B as shown below and renumber C to B}

~~4.4 B Notwithstanding this section, a zoning permit shall not be required for a home office (as defined in the zoning) that does not involve construction, nor for the renewal of a home occupation permit.~~

MARCH 5, 2013 - EDHLU - POSITIVE RECOMMENDATION (4-0)

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Thirteen

UPON THE RECOMMENDATION OF THE Planning Board

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances,

City of Northampton, Massachusetts, be amended by revising section 350j WSP of said code;

providing that *larger accessory structures allowed, addressing mistakes in attached garage setbacks,*

relaxing Photovoltaic structure standards.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 350j WSP table of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

{Table rows shall be amended as shown}

<p>Accessory structures:</p> <p>— <u>a. Detached (but no larger than 1,000 square feet of lot coverage or 3% of lot area whichever is greater) See also § 350-6.7;</u></p> <p>— <u>b. Attached (same setbacks as principal structure); or</u></p> <p>— <u>c. Attached used for workshop, storage, garage, noncommercial purposes only</u></p>			<p>Setbacks:</p> <p><u>a. Front detached: 20 feet</u> <u>Side detached: 4 feet</u> <u>Rear: detached 4'</u></p> <p><u>b. Front attached: 20 feet</u> <u>Side attached: 4-15 feet</u> <u>Rear: attached 4-20 feet</u></p> <p><u>c. OR Front 40'</u> <u>Side attached: 10'</u> <u>Rear attached: 10'</u> Maximum height: 20 feet</p>
<p>Accessory solar photovoltaic ground-mounted on a parcel with any building or use, provided that the PV is sized to generate no more than 200 <u>100%</u> or <u>8 KW</u> of the annual projected electric use of the non-PV building or use</p>		✓ Planning Board	<p>Setbacks:</p> <p>Front = 50-15 feet Side = 50-4 feet Rear = 50-4 feet And such open space as applies to the principal building</p>
<p>Accessory solar photovoltaic ground-mounted on a parcel with any building or use, <u>between 8 KW or over 100% up to but no more than 200%</u> of the annual projected electric use of the non-PV building or use.</p>	✓	✓ Planning Board	<p>Setbacks:</p> <p>Front = 20-15 feet Side = 45-4 feet Rear = 50-4 feet And such open space as applies to the principal building.</p>

MARCH 5, 2013 - EDHLO - POSITIVE RECOMMENDATION (4-0)

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Thirteen

UPON THE RECOMMENDATION OF THE Planning Board

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §350-11.2, 11.3, 11.4, and 11.6b of said code; providing that *Consistent with Sustainable Northampton minimize permit review also add recording requirements*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section §350-11.2, 11.3, 11.4, and 11.6b of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

11.2

No building permit, zoning permit, or special permit shall be issued for the following intermediate projects prior to the review and approval of a site plan in accordance with this section:

A. Projects ~~(excluding single family dwellings and projects used exclusively for agriculture, horticulture or floriculture)~~ which involve new construction or additions of not less than between 2,000 and 5,000 nor more than 4,999 square feet of gross floor area. (excluding single-family dwellings, expansions in the CB district that don't involve footprint expansions, and projects used exclusively for agriculture, horticulture or floriculture)

C Projects which require a special permit and which are not otherwise intermediate or major projects except that, notwithstanding any of the requirements of § 350-10.12, the following projects do not require site plan approval: accessory apartments (§§ 350-5.2 and 350-10.10), accessory structures (§§ 350-5.2 and 350-6.7), accessory uses (§§ 350-5.2 and 350-5.3), historic association and nonprofit museum (§§ 350-5.2), home business (§§ 350-5.2 and 350-10.12) and signs (§ 350-7) of this chapter

11.3

No building permit, zoning permit, or special permit shall be issued for the following major projects prior to the review and approval of a site plan in accordance with this section:

A.
Projects which involve new construction or additions of 5,000 square feet or more of gross floor area. (excluding expansions in the CB that do not involve footprint expansions)

MARCH 5, 2013 - EDALU - POSITIVE RECOMMENDATION, WITH
CHANGES BY CITY SOLICITOR (4-0)

{Add the following shown in red underline to the existing paragraphs in 11.4}

Editor's Note: See Acts of 2008, Ch. 169.

For alternative energy R&D and/or manufacturing, review periods are guaranteed not to exceed one year from the date of initial application to the date of final Board action. Said applications shall be reviewed within 45 days, and the applicants will be notified of what additional submissions are necessary to meet this one-year final action deadline. The Planning Board shall use the criteria of § ~~350-11.6~~ for approving or disapproving the site plan. As with special permits, any appeal of a site plan decision by the Planning Board shall be made in accordance with MGL c. 40A, § 17. All site plans decisions must be recorded at the Registry of Deeds. In addition, the plans approved as part of the site plan decision shall be recorded with the decision in the form and type of pages as determined by Office of Planning and Development staff or Planning Board.

STRIKE PER CITY SOLICITOR

{Make the following changes to 11.6B as noted in underscored red text:}

The requested use will promote the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, cycle tracks and bike paths, minimize traffic impacts on the streets and roads in the area. If applicable, this shall include considering the location of driveway openings in relation to traffic and adjacent streets, cross-access easements to abutting parcels, access by public safety vehicles, the arrangement of parking and loading spaces, connections to existing transit or likely future transit routes and provisions for persons with disabilities; and:

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Thirteen

UPON THE RECOMMENDATION OF THE Planning board

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 350-10.1B of said code; providing that Site Plans approved with special permits be recorded with the decision.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 350-10.1B of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

{10.1B Add a second paragraph after the first paragraph that reads}:

~~As specified in MGL c 40A §11 all special permit decisions shall be recorded prior to commencement of work. In addition, the site plans shall be recorded with the decisions. The form and number of pages to be recorded shall be determined by either Office of Planning and Development staff or Planning Board. This provision may be waived by Office of Planning and Development staff or Planning Board.~~

↑
STRIKE PER
CITY SOLICITOR

MARCH 5, 2013 - EDHLU - POSITIVE RECOMMENDATION, WITH
CHANGES BY CITY SOLICITOR (4-0)

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Thirteen

UPON THE RECOMMENDATION OF THE ZONING BOARD OF APPEALS & PLANNING
BOARD

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City
of Northampton, Massachusetts, be amended by revising section 350- 9.3A of said code; providing that
new non-conforming aspects to already existing non-conforming single or two family homes be
allowed by special permit consistent with recent court rulings on the matter.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:
That section 9.3A of the Code of Ordinances of the City of Northampton, Massachusetts, be amended
so that such section shall read as follows:

(9) With a variance, for any use except for a single or two family, when said change, extension or alteration will
create any new violation of the present zoning requirements or if change is an expansion of preexisting
nonconforming retail use.

(10) With a special permit for a single or two family home when the Zoning Board makes a Finding that the
change which includes new zoning violations (such as reduction of open space, new setback encroachments or
further encroachments into the setback etc.) will not be substantially more detrimental to the neighborhood
than the existing non-conforming single or two family structure.

(11) With a combination of a finding and variance when applicable.

MARCH 5, 2013 - EDHLU - NO RECOMMENDATION (3 NO, 1 ABSENT-
COUNCILOR
SCHWARTZ)
LEFT 6:29PM

In the Year Two Thousand Thirteen

UPON THE RECOMMENDATION OF THE PLANNING BOARD.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §350-350a et seq. of said code; providing that *Increase height limits in Office/Industrial, General Industrial, and Central Business District by Five Feet.*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section §350-350a et seq. of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

§350a through end of 350 appendixes Table of Use Regulation, Table of Dimensional and Density Regulations, Use and Dimensional Regulations

{Change maximum height in Central Business District from 65' to 70' and change maximum height in Office/Industrial and General Industrial Districts from 40' to 45

{REASONS for CBD changes:

1. The extra 5' sometimes allows an entire extra floor.
2. Support Sustainable Northampton goals for encouraging development downtown.
3. Encourage an interest in downtown to complement Amtrak returning to Northampton.
4. Maximize the efficiencies of scale (above 70' requires high-rise construction which is much more expensive).
5. Visually the increased height will not harm downtown.

{REASONS for O/I and GI changes:

1. Height limits date, in part, when most new construction in these was for light industrial and related office. With much of the new construction now for offices, these heights don't always make work.
2. 45' allow four floors, allowing more development with no more space.
3. Taller buildings have smaller footprints and have some energy efficiency benefits.
4. Buildings this height will add to the sense of place of these districts without creating towers.}

Change all references in the ordinance from SI to OI

Section 350-7.5 B (2), (3) Change to OI

Section 350-3.1 Delete Special Industrial (SI) Add Office Industrial (OI)

Section 350-11.6 B(2) Change to OI

Section 350-12.2 (C)6 change to OI;

MARCH 5, 2013 EDHLU — POSITIVE RECOMMENDATION
w/LANGUAGE ADDED (4-0)

City of Northampton
MASSACHUSETTS

In the Year Two Thousand-Thirteen

UPON THE RECOMMENDATION OF THE PLANNING BOARD

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §350-7.7 of said code; providing that *for the purpose of minimizing impacts of energy consumption and consistent with dark sky lighting standards general advertising signs, (billboards) may not be reconstructed to contain electronic technology*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section §350-7.7 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

All nonconforming, nonaccessory signs in existence and lawfully erected before the adoption of this chapter may continue to be maintained, notwithstanding anything to the contrary in this § ~~350-7.7~~; Existing sign structures may not be replaced. Once a sign falls into disrepair or requires reframing to meet safety standards it must be eliminated provided, however, that, N-no proposed new nonaccessory sign shall be permitted in any district from and after the adoption of this chapter.

Nor may existing nonaccessory signs panels be reconstructed to add, modify, convert to LED or other electronic sign technology.

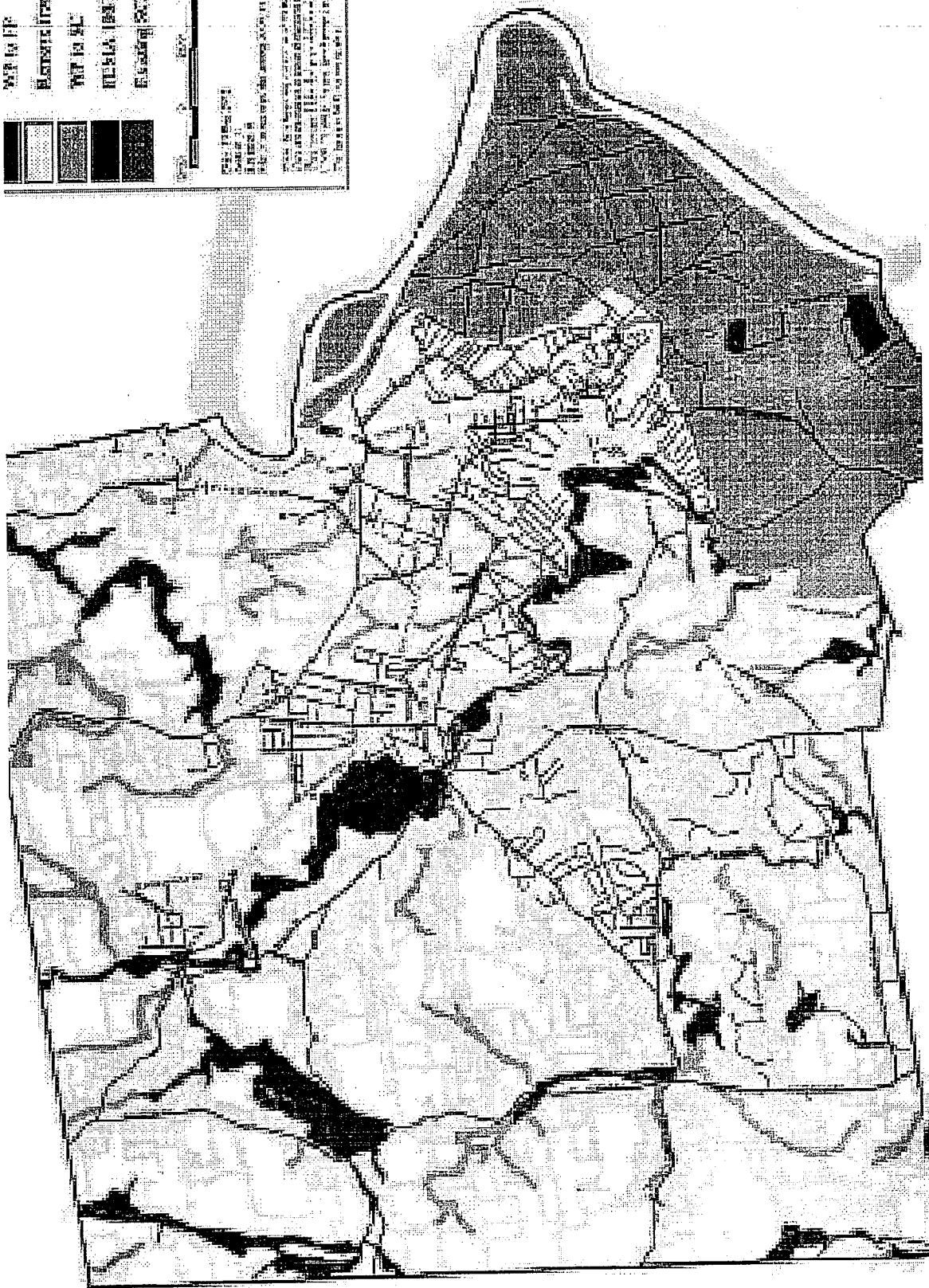
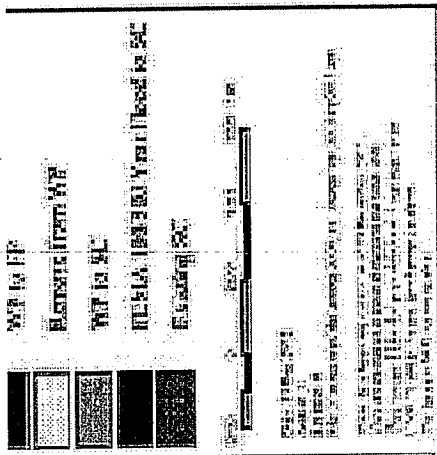
MARCH 5, 2013 EDHLU - POSITIVE RECOMMENDATION, AS
AMENDED (4-0)

ZONING ORDINANCE CHANGES

1. §350-3.4 and attachment 1.1 Rezone Watershed Protection Throughout the City
2. §350-3.4 Rezone Parcels on Easthampton Road from BP and SR to GI to Help Fulfill the Business Park Vision
3. §350-4.4 Language Regarding Home Occupation to be Consistent with Current "Home Business" Classification
4. §350j Water Supply Protection: Larger Accessory Structures Allowed, Addressing Mistakes in Attached Garage Setbacks, Relaxing Photovoltaic Structures
5. §350-11.2, 11.3, 11.4, and 11.6b Minimize Permit Review Also Add Recording Requirements
6. §350-10.1B Site Plans Approved with Special Permits be Recorded with the Decision
7. §350-9.3A New Non-Conforming Aspects to Already Existing Non-Conforming Single or Two Family Homes be Allowed by Special Permit Consistent with Recent Court Rulings on the Matter
8. §350-350a et seq. Increase Height Limits in Office/Industrial, General Industrial, and Central Business District by Five Feet; eliminate all references to SI remaining in text.
9. §350-7.7 General Advertising Signs (Billboards) May Not Be Reconstructed to Contain Electronic Technology. Clarify when billboards must be removed.

Watershed Protection District Changes

- Similar to proposal in 2009
- Shrink WP Zone to FEMA mapped areas (where it exists).
- Rezone from WP to Special Conservancy(SC)
 - Reduces number of permits
 - Treats all residential uses equally
- Rename WP to FP overlay for clarity. No other changes to business districts.



Water Supply District Cleanup

- Correct errors relative to detached and attached garage setbacks.
- Expand allowed sizes for detached accessory structures.
- Allow majority of ground mounted PV panels by-right instead of Special Permit.
 - Less than 8KW or 100% of demand = No SP
 - Greater than 8KW or 100% continues to require SP.

Changes to 9.3

Pre-Existing Non-Conforming Uses

- Zoning Board of Appeals Permits:
 1. "Finding" Section 9, Non-Conformities
 - No new violations AND is not substantially more detrimental to the neighborhood than existing conditions
 - *Majority to approve: 2 of 3 members*
 2. "Special Permits" , Table of Use (signs, det. accessory apart.)
 - Board finds something unique about the building/parcel to warrant a permit & it is consistent with the City's Master Plan
 - *Unanimous to approve: 3 of 3 members*
 3. "Variance" section 9, Non-Conformities
 - Rarely requested/ granted for new violations
 - Most difficult permit
 - Board can only grant if:
 - No other viable use of the property
 - Affects individual lot differently than others due to topography or geography
 - Hardship not created by the applicant
 - *Unanimous to approve: 3 of 3 Members*

Changes to 9.3 cont.

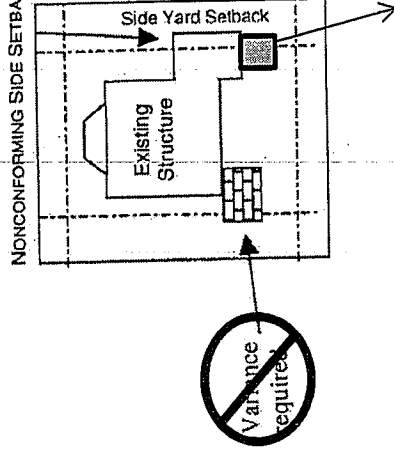
- MA Appeals Ct. case driving change: single/two-family non-conformities
 - Variance no longer required for new violations on pre-existing non conforming 1 / 2 Family structures

• Effects:

- If you have a vacant lot, you must build to zoning.
- If your structure conforms to zoning, must always conform.
- If non-conforming structure/lot, do whatever you want after permit from

Zoning Board of Appeals.

- ZBA must find: The change is not substantially more detrimental to the neighborhood than previous condition.

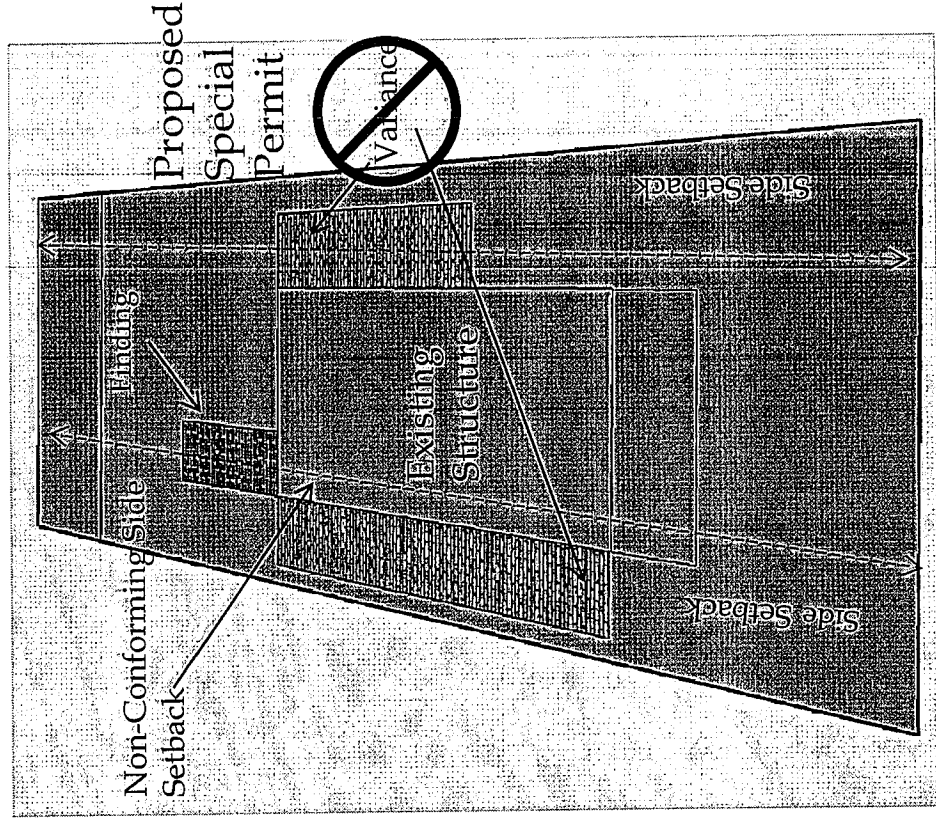


Finding

Changes to 9.3 cont.

- Alters permit from variance to special permit
 - Maintains Super Majority Vote (3 members to approve).
 - Standard for approval easier than Variance. (same as Finding)

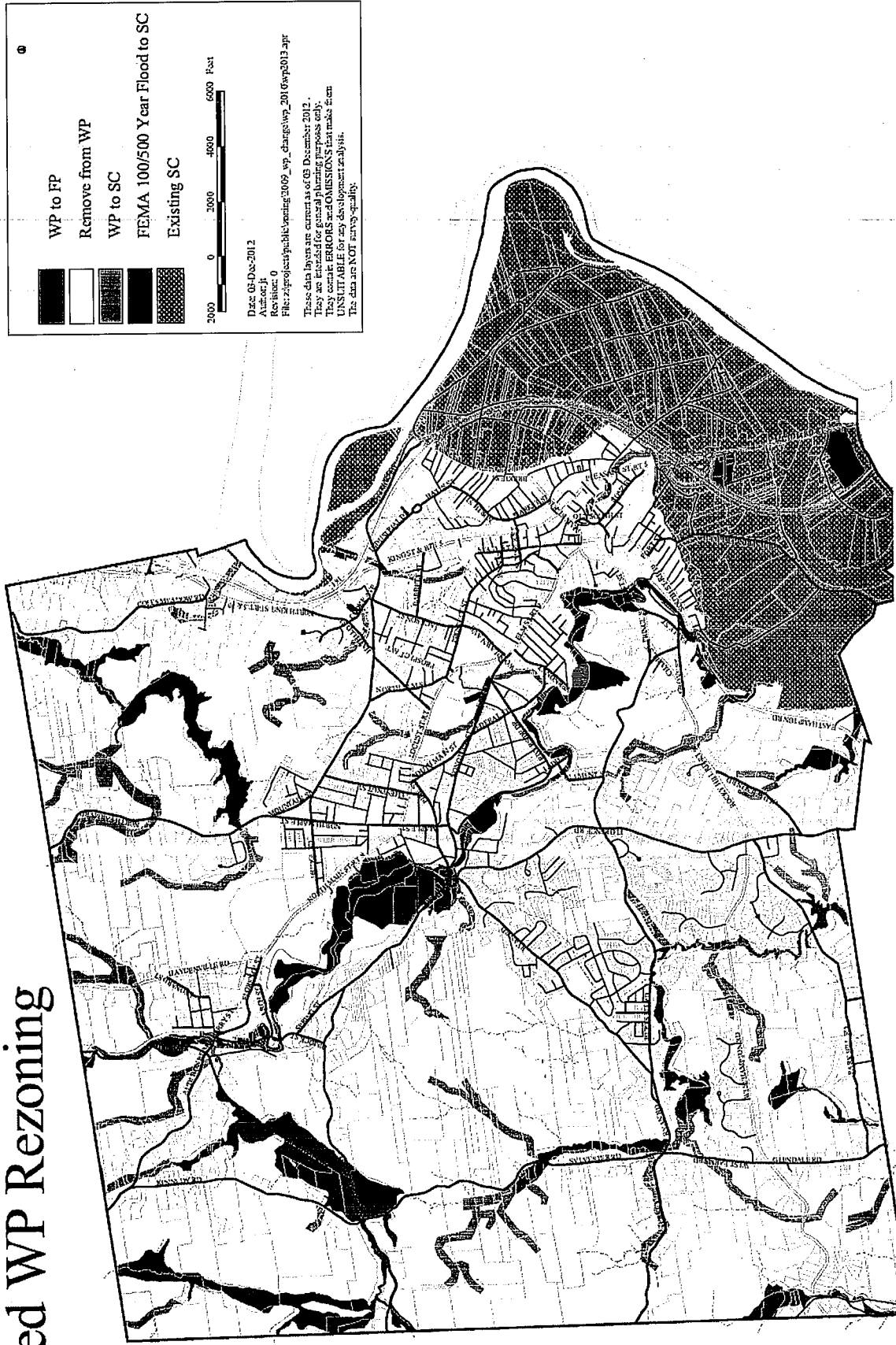
- If underlying zoning ordinances change to make more lots conform, then less likely to use new standard to by-pass zoning intentions.



Outdoor Advertising (Billboards)

- Clarify existing interpretations
 - No reconstruction of grandfathered billboards
 - Ordinary Maintenance Allowed, no structural replacements
- Add prohibition on electronic signs/LED sign

Proposed WP Rezoning

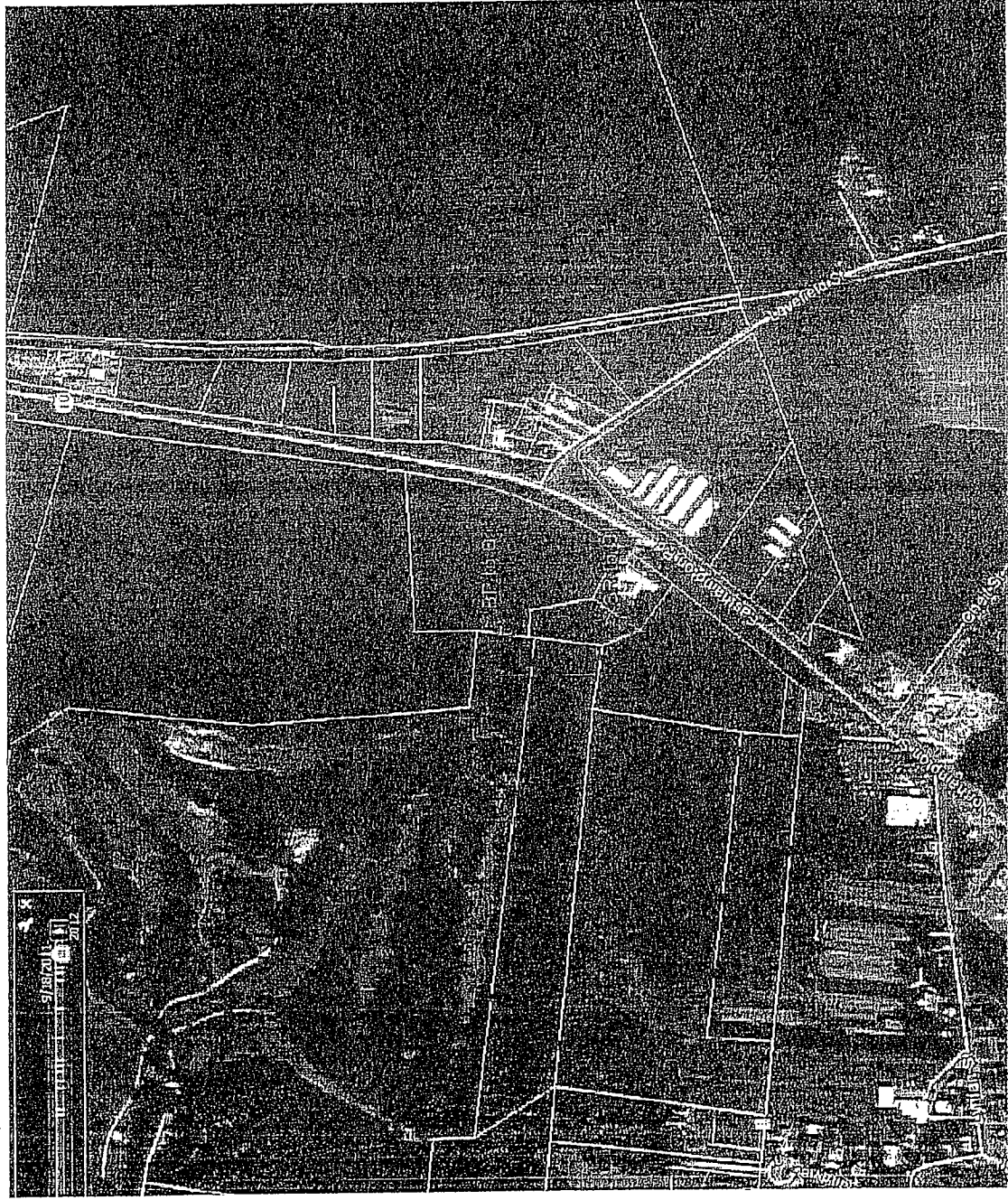


ZONING ORDINANCE CHANGES

1. §350-3.4 Rezone Parcels on Easthampton Road BP & SR to GI to Fulfill the BP Vision
2. §350-4.4 Home Occupation to be Consistent with Current "Home Business" Classification
3. §350j Water Supply Protection: Larger Accessory Structures Allowed, Addressing Mistakes in Attached Garage Setbacks, Relaxing Photovoltaic Structures
4. §350-11.2, 11.3, 11.4, and 11.6b Minimize Permit Review Also Add Recording Requirements
5. §350-10.1B Site Plans Approved with Special Permits be Recorded with the Decision
6. §350-9.3A New Non-Conforming Aspects to Already Existing Non-Conforming Single or Two Family Homes be Allowed by Special Permit Consistent with Recent Court Rulings on the Matter
7. §350-350a et seq. Increase Height Limits in Office/Industrial, General Industrial, and Central Business District by Five Feet, eliminate all references to SI remaining in text.
8. §350-7.7 General Advertising Signs (Billboards) May Not Be Reconstructed to Contain Electronic Technology. Clarify when billboards must be removed.

Rezoning to GI

- Facilitates development on upland
- Development agreement



Water Supply District Cleanup

- Correct errors relative to detached and attached garage setbacks.
- Expand allowed sizes for detached accessory structures.
- Allow majority of ground mounted PV panels by-right instead of Special Permit.
 - Less than 8KW or 100% of demand = No SP
 - Greater than 8KW or 100% continues to require SP.

Changes to Site Plan Review

- Language Clean up
- Eliminate Site Plan for square foot but not footprint expansions in CB
- Recording of plans with decision
- Modified in committee review

Changes to Special Permit

- Recording of plans with decision
- Modified in committee review

Changes to 9.3

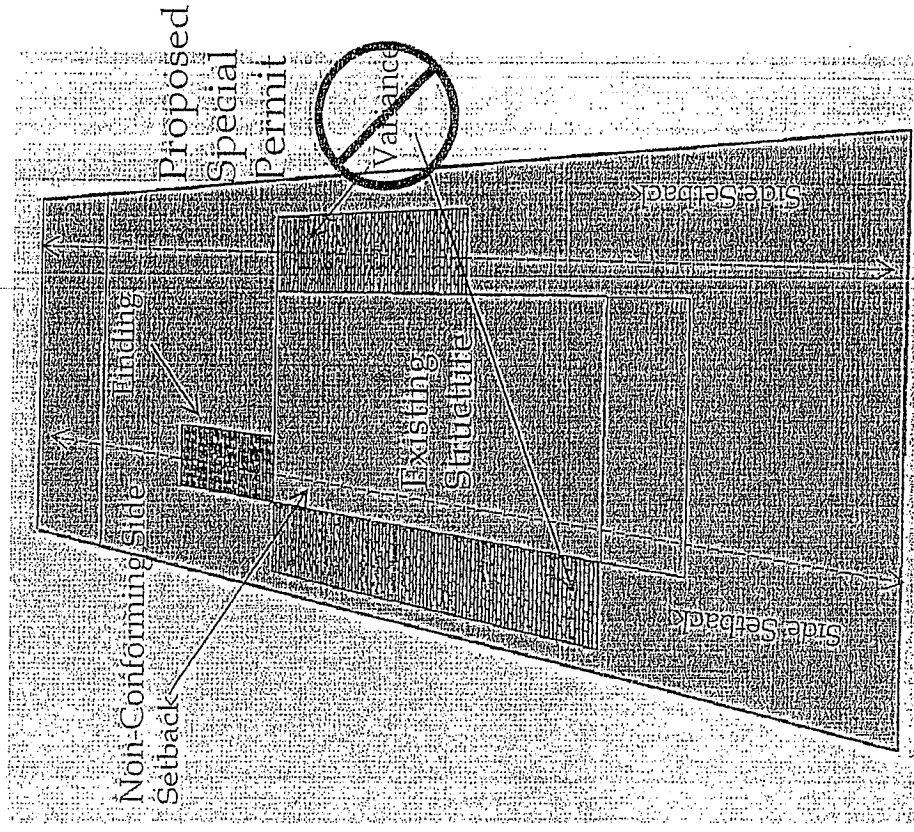
Pre-Existing Non-Conforming Uses

- Zoning Board of Appeals Permits:
 1. "Finding" Section 9, Non-Conformities
 - No new violations AND is not substantially more detrimental to the neighborhood than existing conditions
 - *Majority to approve: 2 of 3 members*
 2. "Special Permits" , Table of Use (signs, det. accessory apart.)
 - Board finds something unique about the building/parcel to warrant a permit & it is consistent with the City's Master Plan
 - *Unanimous to approve: 3 of 3 members*
 3. "Variance" section 9, Non-Conformities
 - Rarely requested/ granted for new violations
 - Most difficult permit
 - Board can only grant if:
 - No other viable use of the property
 - Affects individual lot differently than others due to topography or geography
 - Hardship not created by the applicant
 - *Unanimous to approve: 3 of 3 Members*

Changes to 9.3 cont.

- Alters permit from variance to special permit
 - Maintains Super Majority Vote (3 members to approve).
 - Standard for approval easier than Variance. (same as Finding)

- If underlying zoning ordinances change to make more lots conform, then less likely to use new standard to by-pass zoning intentions.



Changes to 9.3 cont.

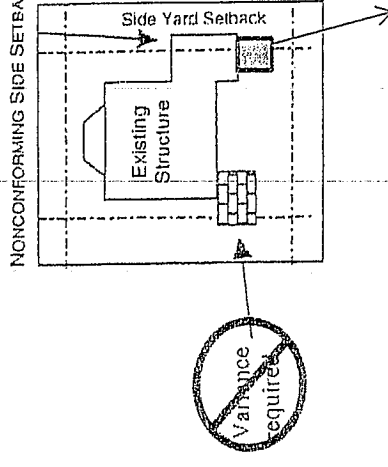
- MA Appeals Ct. case driving change: single/two-family non-conformities
 - Variance no longer required for new violations on pre-existing non-conforming 1 / 2 Family structures

Effects:

- If you have a vacant lot, you must build to zoning.
- If your structure conforms to zoning, must always conform.
- If non-conforming structure/lot, do whatever you want after permit from

Zoning Board of Appeals.

- ZBA must find: The change is not substantially more detrimental to the neighborhood than previous condition.



Finding

Increase Heights

- CB: 65' to 70'
- GI/OI: 40' to 45'
 - Allows potential for one additional story-less footprint
- Amended by committees – corrections to OI references throughout code.

Outdoor Advertising (Billboards)

1. Add prohibition on electronic signs/LED sign
2. Clarify existing interpretations:
 - Ordinary Maintenance Allowed, no structural replacements
 - No reconstruction of grandfathered billboards
3. Amended by committee

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Thirteen

UPON THE RECOMMENDATION OF Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §22-130 of said code; providing that *Community Preservation Committee: Powers and Duties*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section §22-130 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

§22-130 Powers and Duties

The Community Preservation Committee shall study the needs, possibilities and resources of the City regarding community preservation. The Committee shall consult with existing municipal boards, including the Mayor, City Council, Conservation Commission, the Historical Commission, Agricultural Commission, Housing Authority, Youth Commission, Council on Aging, Tree Committee, the Planning Board, the Recreation Commission, the Housing Partnership and the Department of Public Works, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the City of Northampton regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the City.

- A. The Community Preservation Committee shall make recommendations to the ~~Mayor and~~ City Council for the acquisition and preservation of open space which includes parks, conservation land, wildlife preserves, public drinking water supplies and scenic areas, farmland and forests; for the acquisition and restoration of historic buildings and sites; and for the creation and preservation of affordable housing. At least 10% of the funds for each fiscal year will be spent, or reserved for later spending, on each of the three community preservation purposes; open space, historic resources and affordable housing.
- B. The Community Preservation Committee may include in its recommendation to the ~~Mayor and~~ City Council a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Thirteen

**UPON THE RECOMMENDATION OF TRANSPORTATION & PARKING
COMMISSION**

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by **ADDING A SECTION TO BE NUMBERED §310**; providing **ELECTRIC VEHICLE CHARGING STATIONS**

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section §310 of the Code of Ordinances of the City of Northampton, Massachusetts, be **ADDED** so that such section shall read as follows:

§310 ELECTRIC VEHICLE CHARGING STATIONS

Parking Area	Location	Area/Number of Spaces	Time Limit/Class
Crafts Avenue	Westerly side of Crafts Avenue	Southernmost 2 parking spaces	2 hours; Electric Vehicle (EV) parking only. EV parking only while charging./Class EV
Parking Garage	85 Hampton Avenue	The 7th and 8th parking spaces (2 spaces) on the left past the main garage entrance to level 2.	Electric Vehicle (EV) parking only. EV parking only while charging./Class EV1
Fire Dept. HQ	Parking lot at west end of Fire Department Headquarters, 26 Carlon Drive	The southernmost 2 parking spaces in the easternmost row of parking	Electric Vehicle (EV) parking only. EV parking only while charging./Class EV2

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Thirteen

**UPON THE RECOMMENDATION OF TRANSPORTATION & PARKING
COMMISSION**

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §312-36 of said code; providing **PARKING METER LOCATIONS AND REGULATIONS**.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section §312-36 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

§312-36 PARKING METER LOCATIONS AND REGULATIONS

ADD:

Class	Time Limit	Fee
EV	Restricted to 2 Hour Use by Electric Vehicle While Charging	\$0.75 per hour
EV1	Restricted for Use by Electric Vehicle While Charging	Free for first hour; \$0.50 for every hour after
EV2	Restricted for Use by Electric Vehicle While Charging	No Charge

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Thirteen

UPON THE RECOMMENDATION OF TRANSPORTATION & PARKING
COMMISSION

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §312-109 of said code; providing SCHEDULE VIII: ON-STREET PARKING METER ZONES.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section §312-109 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

§312-109 SCHEDULE VIII: ON-STREET PARKING METER ZONES

ADD:

LOCATION	SIDE	FROM	TO	TIME LIMIT/CLASS
CRAFTS AVENUE	WESTERLY	SOUTHERNMOST 2 PARKING SPACES		2 HOURS/CLASS EV

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Thirteen

UPON THE RECOMMENDATION OF TRANSPORTATION & PARKING
COMMISSION

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §312-110 of said code; providing SCHEDULE IX: OFF-STREET PARKING AREAS.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section §312-110 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

§312-110 SCHEDULE IX: OFF-STREET PARKING AREAS

ADD:

<u>PARKING AREA</u>	<u>LOCATION</u>	<u>AREA/NUMBER OF SPACES</u>	<u>TIME LIMIT/CLASS</u>
PARKING GARAGE	85 HAMPTON AVENUE	THE 7 TH AND 8 TH PARKING SPACES ON LEFT PAST MAIN ENTRANCE TO LEVEL 2	EV1
FIRE DEPARTMENT HQ	26 CARLON DRIVE	SOUTHERNMOST 2 PARKING SPACES IN EASTERNMOST ROW OF PARKING	EV2

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Thirteen

UPON THE RECOMMENDATION OF THE Councilor Jesse M. Adams, Councilor
William H. Dwight and Councilor Owen Freeman-Daniels

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by **ADDING A SECTION TO BE NUMBERED §23** of said code; providing that *PUBLIC COMMENT*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section §23 of the Code of Ordinances of the City of Northampton, Massachusetts, be **ADDED** so that such section shall read as follows:

§23 PUBLIC COMMENT

All multiple member bodies as defined in Article 1-7(15) of the Charter shall allow individual members of the public to address the body at the start of each regular meeting on any matter within the body's purview. Individuals wishing to speak must be recognized by the presiding officer and must state their name and address. The body may determine rules to facilitate this ordinance, including the length of time that will be provided for public comment, and the length of time that each individual will be allowed to address the body. This ordinance shall not apply to any public hearing held by any multiple member body in which the body acts in a quasi-judicial role and takes testimony and other evidence from the public but all other business of that same body shall be subject to this ordinance. Nothing in this ordinance shall be construed to require or to preclude a public comment period at the beginning of a special meeting of a multiple member body.

Explanation of Public Comment Ordinance

Dear Councilors:

The purpose of this proposed ordinance is to make sure that all citizens have a right to be heard before any public decision-making body. By mandating a period of public comment citizen engagement and empowerment is enhanced.

Note: This ordinance will be in effect only until such point as the Mayor replaces ordinances creating multiple member bodies with Administrative Orders creating multiple member bodies. At that point, pursuant to the new charter, the Administrative Order will control.

Respectfully Submitted,

Councilor Jesse Adams

City of Northampton
MASSACHUSETTS

~~In the Year Two Thousand Thirteen~~

UPON THE RECOMMENDATION OF THE Police Department and Committee on Public Safety

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, that CHAPTER 312 be amended by ADDING ARTICLE XIV VENDORS, SECTION 1. of said code; providing that *PERMITTING OF ICE CREAM TRUCK VENDORS*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That CHAPTER 312, ARTICLE XIV VENDORS, SECTION 1. of the Code of Ordinances of the City of Northampton, Massachusetts, be ADDED so that such section shall read as follows:

ADD: CHAPTER 312, ARTICLE XIV VENDORS, SECTION 1. Permitting of Ice Cream Truck Vendors

- A. Pursuant to 520 CMR 15.00, the Massachusetts Department of Public Safety requires each municipality to issue permits to persons engaging in ice cream vending. For the purpose of this ordinance, the following definitions shall apply:
- Ice Cream, any frozen dairy or frozen water-based food product.
 - Ice Cream Truck, any motor vehicle used for selling, displaying or offering to sell ice cream.
 - Ice Cream Truck Vending, the selling, displaying or offering to sell ice cream or any other prepackaged food product from an ice cream truck.
 - Ice Cream Truck Vendor/Operator, any person who owns, sells, displays, or offers to sell ice cream from an ice cream truck or any person who drives or operates such a vehicle.
- B. No person shall engage in ice cream truck vending within the City of Northampton unless the applicant has been issued a valid permit to do so by the Chief of Police or his designee. Said permit shall only be valid for use within the city limits. A separate permit is required for every person who engages in ice cream truck vending/operation.
- C. All permits issued shall be conspicuously displayed and clearly visible on the windshield dash of any ice cream truck operated or from which ice cream or any prepackaged food product is sold.

D. Only the uniform application and permit form approved by the Department of Public Safety shall be utilized. The permit shall include a current color photograph of the applicant, encased in plastic. Permits shall be numbered in order as granted and be encased in plastic.

E. In order to obtain an initial permit or to renew a permit, each applicant shall submit the following to the Permitting Authority:

- A completed uniform application form
- A copy of their fingerprints; and
- Two (2) current, 1½" X 2" (color) photographs
- Valid driver's license

F. The police department shall collect an administrative fee in the amount of \$50.00 upon the issuance of each permit.

G. Both initial and renewal permits shall expire annually on January 1st

H. Upon receipt of the permit application or application for renewal, the Chief of Police or his designee shall conduct an investigation into the criminal history of a permit applicant to determine eligibility. The investigation shall include performing a state and national criminal history records check as authorized by M.G.L. c 6 Section 172B ½. As part of this investigation, the Chief of Police or his designee shall ensure that the identity of the applicant is true and accurate and in the case of a renewal, that the applicant is linked to the original Permit number.

I. The Chief of Police or his designee may deny issuance of a permit or revoke a permit for just cause. Pursuant to 520 CMR 15.05, no permit shall be issued to any person who is a Sex Offender, as defined by M.G.L. c 6, § 178C. Upon denial of the issuance or the revocation of a permit, an applicant shall have the right of appeal to the Committee on Public Safety of the City Council. All such appeals must be made in writing and addressed to the Committee on Public Safety. Appeals will be heard at the next, regularly scheduled meeting of said Committee. The decision of the Committee shall be final and binding. No such right of appeal shall attach for the denial of a permit to an applicant who is a Sex Offender.

J. Whoever conducts themselves as an ice cream vender/operator without a valid City issued permit or with an expired permit; or whoever improperly displays a permit shall be subject to a fine of no more than \$100 dollars for the first offense, \$200 for a second offense and \$300 for a third or subsequent offense.

K. Every ice cream vender/operator shall comply with all state motor vehicle laws, regulations specific to the operation of ice cream trucks, city ordinances, health codes, as well as any zoning or Department of Public Works regulations that may restrict or prohibit vending in certain areas. Violation of any such law, regulation, ordinance or health code shall be grounds for the revocation of the vendor's permit.



CITY OF NORTHAMPTON

Permit Issued by:
Northampton Police Department
29 Center Street
Northampton, MA 01060-3004
Phone: (413) 587-1100
FAX: (413) 587-1137

POLICE DEPT. USE ONLY

Permit Number: _____
Date Issued: _____
Expiration Date: January 1, _____

PERMITTING AUTHORITY USE

It is the responsibility of the permitting authority to ensure that the identity of the new/renewal applicant is true and accurate and in the case of a renewal, that the applicant is linked to the original tracking number. The permitting authority shall only issue permits after conducting a criminal background investigation into the criminal history of an applicant to determine eligibility for a new permit or a renewal. All applications must be accompanied by copy of the applicant's fingerprints and two current photographs.

PERMIT TO ENGAGE IN ICE CREAM TRUCK VENDING

Pursuant to G.L. c. 270 § 25 and 520 CMR 15.00 et seq. (as amended)
THIS APPLICATION MUST BE FULLY COMPLETED

Name of Applicant:		Phone:	Cell:
Street Address:		Email Address:	
City/Town:	MA	ZIP:	Date of Birth:
		Social Security Number:	

Please Check One:

☐ NEW APPLICANT

☐ RENEWAL. MOST RECENT ICE CREAM TRUCK VENDING PERMIT NUMBER: _____ ISSUED FROM
WHICH CITY/TOWN: _____, MA EXPIRATION DATE: January 1, _____

PLEASE ANSWER THE FOLLOWING QUESTIONS COMPLETELY AND ACCURATELY.

1. Have you ever used or been known by another name? If Yes, provide name and explanation:
2. Are you a sex offender, as defined by Section 178 (c) of Chapter 6 of the General Laws?
3. Are there currently any sex offense charges pending against you? (All sex offenses are identified in Section 178 (c) of Chapter 6 of the General Laws)
4. If you answered yes to Questions 2 or 3, please provide explanation:

PLEASE ATTACH TWO COPIES OF A CURRENT, 1½" X 2", (COLOR) PHOTOGRAPH TO THIS APPLICATION. A COPY OF THE APPLICANT'S FINGERPRINTS IS ALSO REQUIRED. UPON RECEIPT OF THIS APPLICATION, THE NORTHAMPTON POLICE DEPARTMENT SHALL CONDUCT AN INVESTIGATION INTO THE CRIMINAL HISTORY OF THE APPLICANT TO DETERMINE ELIGIBILITY.

SIGNATURE: _____ DATE: _____

For Northampton Police Dept. Use – Do not write in this section

PERMIT APPROVED BY:
(PERMITTING AUTHORITY)

Date: _____

This permit shall be conspicuously displayed and clearly visible on the windshield of any ice cream truck operated or from which ice cream or any other prepackaged food product is sold.

For additional information please visit the Department of Public Safety's website at www.mass.gov/dps



Vendor
Photo
(1½" X 2")

***** NORTHAMPTON POLICE DEPT. USE ONLY Permit Number: _____ Date Issued: _____ Issuing Municipality: <u>City of Northampton</u> Expiration Date: <u>January 1,</u> _____ *****	
--	--

ICE CREAM TRUCK VENDING PERMIT

(VALID FOR USE ONLY WITHIN THE CITY OF NORTHAMPTON)

Name of Vendor	Address of Vendor

THIS CARD SHALL BE CONSPICUOUSLY DISPLAYED AND
CLEARLY VISIBLE ON THE WINDSHIELD DASH OF THE
OPERATING VEHICLE.